NORTH CAROLINA CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS COMMISSION

MINUTES

DATE: August 23, 2013

TIME: 9:00 A. M.

LOCATION: Wake Technical Community College - Public Safety Education Campus

Raleigh, North Carolina

SUBMITTED BY: Winfield Hunter

Interim Director

The Education and Training Committee, the Planning and Standards Committee, the Probable Cause Committee and the Executive Committee met on August 22, 2013 for their regular quarterly meetings. The Probable Cause Committee also met on August 21, 2013.

MEMBERS PRESENT

MEMBERS ABSENT

Chief Ira Jones Mr. John Glenn
Mr. Eddie Caldwell Mr. Bob Myrick
Dr. Robert Ruth Mr. James Festerman
Chief Scott Cunningham Mr. Brent Herron

Chief Wrenn Johnson

Mr. Ray Davis

Captain Lee Farnsworth

Chief Bill Hollingsed Chief Tim Ledford

Chief Patricia Bazemore

Corporal Melissa Hinnant

Ms. Gwen Norville

Ms. Stephanie Freeman

Ms. Robin Pendergraft

Ms. Tracy McPherson

Mayor Bobby Kilgore

Mr. Steve Johnson

Chief Tim Hayworth

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Mr. Johnny Hawkins

Mr. Charles Johnson

Mr. Trey Robison

Chief Allen Smith

Mr. Jeff Welty

Lieutenant Yolanda Sparrow

Ms. Diane Isaacs

Colonel Bill Grey

Ms. Angela Williams

VISITORS

Michael R. Barrington Biscoe Police Department

Danny Roberts Butler Public Safety

Jason Stone Apex Police Department
William Todd Allen Apex Police Department
Michael Garafalo Apex Police Department
Eric Buchanan Apex Police Department
Chief John Letteney Apex Police Department
Michael Conley Apex Police Department

Donnie Hedwin Whiteville Police Department
Daniel Matthews Mocksville Police Department
Edward Parker Mocksville Police Department

Kenneth Middleton

Mark Strickland N. C. Justice Academy

Deborah Bauer Holly Springs Police Department

Brook Bauer

Ben Rose Harnett County Sheriff's Office

Brian Austin Cary Police Department

Robert Rickard Thomasville Police Department

Rene Rickard

Robert Adams

Fuquay Varina Police Department

N. C. Division Parks and Recreation

N. C. Division Parks and Recreation

Chris Trexler N. C. Department of Public Safety - Division of Adult Correction

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David Tyndell Smithfield Police Department

Joyce Ruth

Kevin Bryant

Butner Public Safety Department

Brian Wohl

Fuquay Varina Police Department

David Aldridge

Morrisville Police Department

N. C. Department of Public Safety

John Hamlin

N. C. Department of Public Safety

Wayne Sorenson

Fuquay Varina Police Department

Pam Pope

Stacy Holloman N. C. Justice Academy

Wayne Woodard

Melissa Hinnant Southport Police Department

Janice Mullins

N. C. Department of Public Safety

Brenda Scott

N. C. Department of Public Safety

STAFF

Winfield Hunter Richard Squires Lauren Earnhardt Catherine Jordan
Ed Zapolsky Kevin Wallace Sharon Witherspoon Tim Pressley
Dawn Suffel Gail Raper Jenny Howell Pat Hinnant

Donna Byrd

I. CALL TO ORDER

Commission Vice-Chairman Eddie Caldwell called the meeting to order. Ms. Donna Byrd, Clerk to the Commission, administered the Oath of Office to one new member: Corporal Melissa Hinnant of the Southport Police Department, who represents the North Carolina Law Enforcement Women's Association and the following reappointed members: Chief Tim Ledford of the Mint Hill Police Department and Chief Tim Hayworth of the Zebulon Police Department, who represents the North Carolina Association of Chiefs of Police; Chief Ira Jones of the Morrisville Police Department, who represents the North Carolina Police Executives Association; Lieutenant Yolanda Sparrow of the Wilmington Police Department, who represents the North State Law Enforcement Officers' Association; Dr. Robert Ruth of Davidson College, who represents the North Carolina Criminal Justice Association; Chief Allen Smith of the Atlantic Beach Police Department, appointed by Governor Pat McCrory; Captain Charles Johnson and Mr. Johnny Hawkins of the North Carolina Department of Public Safety, Mr. James Festerman and Mr. Robert Myrick, who represent the President Pro Tempore of the Senate; Chief Pat Bazemore of the Cary Police Department, Ms. Angela Williams and Ms. Diane Isaacs of the North Carolina Department of Public Safety and Mr. Steve Johnson, who represents the President Pro Tempore of the Speaker of the House.

Following the roll call, Vice-Chairman Caldwell declared that a quorum was present and welcomed all visitors to the Commission meeting. Vice-Chairman Caldwell read the Ethics Responsibility into the minutes.

Vice-Chairman Caldwell personally thanked Ms. Betty Reynolds for hosting the Commission at the Wake Technical Community College - Public Safety Education Campus in Raleigh.

II. PRESENTATION OF RESOLUTION

Vice-Chairman Caldwell reported that the Executive Committee had approved a Resolution of Appreciation for Pam Pope, former Deputy Director of Criminal Justice Education and Training Standards Division. He read the Resolution of Appreciation into the minutes.

MOTION was made by Commissioner Caldwell on behalf of the Executive Committee that the Commission adopt the Resolution of Appreciation for Pam Pope, seconded by Commissioner Ira Jones. The MOTION carried unanimously.

Ms. Pam Pope accepted her Resolution by saying that she has enjoyed working with staff and the Commission. She stated that she would miss everyone.

III. AWARDING OF ADVANCED CERTIFICATES

[Agenda Memorandum No. 03-13]

Vice-Chairman Caldwell reported that staff had evaluated the applications of all one hundred and eighty-eight (188) candidates. There were one hundred and sixty-seven (167) candidates for the Advanced Law Enforcement Certificate and twenty-one (21) candidates for the Advanced Criminal Justice Certificate. He noted that each of these applicants had met the requirements to receive the Advanced Certificate and the Advanced Certificate pin.

MOTION was made by Commissioner Pat Bazemore that the Commission award the Advanced Law Enforcement Certificate or Advanced Criminal Justice Certificate to each named individual. The MOTION was seconded by Commissioner Angela Williams and carried unanimously.

The following individuals were present to personally receive their Advanced Law Enforcement and Advanced Criminal Justice Certificates:

William Todd Allen Apex Police Department

Presented by Chief John Letteney

Eric Keith Buchanan Apex Police Department

Presented by Chief John Letteney

Michael Garafalo Apex Police Department

Presented by Chief John Letteney

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Jason Stone Apex Police Department

Presented by Chief John Letteney

Michael R. Barrington Biscoe Police Department

Presented by Commissioner Eddie Caldwell

Kevin Todd Bryant Butner Public Safety Department

Presented by Chief Danny Roberts

Brian N. Austin Cary Police Department

Presented by Chief Pat Bazemore

Brian D. Wohl Fuquay-Varina Police Department

Presented by Chief Larry Smith, Captain Bob Adams,

Jeff Dunn and Wayne Sorenson

Deborah Sherree Bauer Holly Springs Police Department

Presented by Retired Sergeant Kenneth Middleton

and Mr. Ben Rose

Daniel T. Matthews Mocksville Police Department

Presented by Lieutenant Edward Parker

Edward Parker Mocksville Police Department

Presented by Interim Chief Daniel Matthews

David Franklin Aldridge Morrisville Police Department

Presented by Chief Ira Jones

Sandra P. Fambrough N. C. Division Parks and Recreation

Presented by Mrs. Kelley King, Superintendent

David Allen Tyndall Smithfield Police Department

Presented by Commissioner Caldwell

Robert Charles Rickard Thomasville Police Department

Presented by Commissioner Caldwell

Donnie Hedwin Whiteville Police Department

Presented by Commissioner Caldwell

Joseph R. Holmes, II NCDPS/Division of Adult Corrections

Presented by John Hamlin, Assistant Superintendent

Janice L. Mullins NCDPS/Division of Adult Corrections

Presented by Commissioner Gwen Norville, Dennis Daniels, Correctional Administrator, I, Charles Vandiford, Correctional Training Specialist II, Brenda

Scott, Assistant Unit Manager.

Christopher G. Trexler NCDPS/Division of Adult Corrections

Presented by Commissioner Caldwell

IV. ELECTIONS

A. Chairman

Vice-Chairman Caldwell asked the Commission for nominations for the office of Chairman.

MOTION was made by Commissioner Steve Johnson to nominate John Glenn as Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Bobby Kilgore and carried unanimously.

B. Vice-Chairman

Commissioner Wrenn Johnson presided over the Commission to take nominations for the office of Vice-Chairman.

MOTION was made by Commissioner Bob Ruth to nominate Eddie Caldwell as Vice-Chairman of the North Carolina Criminal Justice Education and Training Standards Commission. The MOTION was seconded by Commissioner Steve Johnson and carried unanimously.

Vice-Chairman Caldwell presided over the remainder of the nominations.

C. Standing Committee Chairpersons

1. Education and Training Committee

MOTION was made by Commissioner Steve Johnson to nominate Wrenn Johnson as Chairperson of the Education and Training Committee. The MOTION was seconded by Commissioner Bill Hollingsed and carried unanimously.

2. Planning and Standards Committee

MOTION was made by Commissioner Scott Cunningham to nominate Stephanie Freeman as Chairperson of the Planning and Standards Committee. The MOTION was seconded by Commissioner Allen Smith and carried unanimously.

3. Probable Cause Committee

MOTION was made by Commissioner Ira Jones to nominate Ray Davis as Chairman of the Probable Cause Committee. The MOTION was seconded by Commissioner Angela Williams and carried unanimously.

V. MINUTES OF MAY 23, 2013 MEETING

Vice-Chairman Caldwell entertained a motion to approve the minutes of the previous Commission meeting.

MOTION was made by Commissioner Ray Davis that the Commission approve the minutes of the May 23, 2013 meeting as mailed. The MOTION was seconded by Commissioner Gwen Norville and carried unanimously.

VI. STANDING COMMITTEE REPORTS

A. Executive Committee - Chairman Eddie Caldwell

Chairman Caldwell reported that the Executive Committee met on Thursday, August 22, 2013, at the Wake Technical Community College Public Safety Training Center in Raleigh.

Chairman Caldwell stated that Commissioner Ray Davis, on behalf of the Probable Cause Committee, discussed some potential changes to the Probable Cause Policy. Chairman Caldwell stated that Commissioner Davis will have the Probable Cause Committee review this policy and forward to the full Commission in the future.

Chairman Caldwell reported that a Resolution of Appreciation was approved for former Deputy Director Pam Pope.

Chairman Caldwell reported that a law was passed by the General Assembly that requires all licensing boards to give credit to military veterans for job related training and service that they had in the military. Chairman Caldwell stated that the Commission staff and legal staff have been working on a rule to meet the needs of the criminal justice profession and comply with that statute. He advised that the Executive Committee voted to send this rule to the Planning and Standards Committee for rule-making hearing.

Vice-Chairman Caldwell asked Interim Director Windy Hunter to give an update on the Criminal Justice Standards Division. Interim Director Hunter advised that the new adopted NC State Budget authorized all of the court cost fees of \$2.00 per case to be given to the CJ Standards Division. He stated that additional fiscal estimates indicate that CJ Standards Division would likely continue to see increases in other receipt income such as Concealed Carry Handgun Program fees, Qualified Retired Law Enforcement fees, and Company/Campus Police Program fees.

Interim Director Hunter reported that the Criminal Justice Specialist/Investigator II - Regional Field Services Coordinator Field Representative position is being posted this week. He stated that it was time to move ahead and fill the position with a full-time employee. Interim Director Hunter reported that several audits have been completed and are working to complete additional ones once the Field Services Coordinator's position is filled.

Interim Director Hunter reported that there was a request on the update of complaints, if any, regarding the Concealed Carry Handgun (CCH) program. He reported that staff had received a complaint regarding an instructor allowing students to continue firing downrange while other range users were downrange nearby checking targets; a secondary complaint on the same instructor alleged that the instructor was advising his students they could pre-register for their CCH permits with the county sheriff before completion of the class. He advised that staff has contacted the Sheriff's Department and they will be assisting staff in monitoring of this particular program to assure compliance. As a result of this complaint, it was noted that the present rules do not allow sufficient legal authority for staff to sufficiently address safety violations and other issues. Both legal counsel and staff will be reviewing the rule and hopefully bring this to the full Commission in November.

Interim Director Hunter reported that HB 37 - Amend Various Firearms Law - DOJ Legal Counsel, NCSA representative and former law enforcement liaison section head, John Aldridge, and Commissioner Steve Johnson are working together to issue updated guidelines to law enforcement and affected agencies.

In closing his report, Mr. Hunter stated that the Commission and legal counsel will be reviewing HB 452 on how the Commission will comply with the school safety act. Mr. Hunter advised that the Commission will be reviewing the compliance with the Criminal Justice Training and Standards with the school safety act and hopefully information will be provided to the full Commission in November.

Vice-Chairman Caldwell asked Director Mark Strickland to give an update on the Justice Academy.

Mr. Strickland stated in July 2013, the General Assembly passed HB 937 and significant changes were made. Many of the law changes will be effective October 1, 2013. The Concealed Carry Handgun Instructor Update is designed to provide current CCH Instructors with information pertaining to recent legislative changes affecting the CCH Program and the use of deadly force. The classes will be held: September 5, 2013 Salemburg, October 1, 2013 Hickory, October 28, 2013, Greenville, November 7, Edneyville and December 11, 2013, Manteo, North Carolina.

Mr. Strickland stated that Traci McConnell was hired as an Administrative Secretary at the West Campus.

Lastly, Mr. Strickland reported that several new classes will be offered in the near future at the Justice Academy: Advanced Traffic Crash Investigation with HVE-CSI, Blood Pattern Analysis, FBI: LEOKA, Harassment Identification and Investigation, Intelligence Led Policing and Patrol Rifle Instructor.

B. Education and Training Committee - Chairperson Wrenn Johnson

Chairperson Johnson reported that the Education and Training Committee met on Thursday, August 22, 2013 at the Wake Technical Community College, Public Safety Education Campus, Raleigh, North Carolina.

Chairperson Johnson reported that Commissioner Tracy McPherson, on behalf of the School Accreditation Subcommittee recommended the reaccreditation of the following institutions for a period of five years in accordance with 12 NCAC 09B .0200 and 12 NCAC 09C .041 for the delivery of Basic Law Enforcement Training, General Instructor Training and Speed Measuring Instrument Training: Renewal of Robeson Community College and Wilson Community College. The Committee approved this request.

Chairperson Johnson reported that Mr. Tim Pressley, on behalf of the Criminal Justice Education and Training and Standards Division, requested guidance of the Terms and Conditions of General Instructor Certification. He asked for clarification for what evaluation credit an instructor should receive if the course was taught in hours less than the lesson plan indicated. The Committee stated that instructors would only receive credit for evaluation purposes for the number of hours actually taught in Commission courses, which includes mandatory in-service training.

Mr. Pressley requested for further clarification of the renewals of DAC specialized firearms instructors. The question was asked, "Does a dual certified (DAC and Law Enforcement) firearms instructor receive renewal credit for both certifications if for example the instructor only teaches DAC personnel. The Committee stated that since each certification is specific and separate, dual certified instructors would have to meet the specific requirements for each instructor renewal.

Mr. Pressley asked whether or not the Education and Training Committee felt that instructors should be notified of their instructor certification expiring. The Committee felt that the instructors should continue to be notified of their impending expiration dates and that the notifications should be either mailed to the individual's home address or sent via email.

Next, Chairperson Johnson reported that Deputy Director Chris Anderson of the Justice Academy provided the Education and Training Committee an update on Specialized Explosives and Hazardous Materials Instructor Training course. Mr. Anderson noted that 12 NCAC 09B .0417 went into effect on June 1, 2013 and the course is not under pilot authority. Mr. Anderson stated that since 2009, there have been 5 deliveries and 57 potential instructors trained. The next courses will be offered in September 2013 and January 2014.

Lastly, Chairperson Johnson reported that Deputy Director Wayne Ayers of the Justice Academy briefed the Committee on H.B. 937, which changed many of the concealed carry handgun laws. The Academy has completed revising the materials and they will be ready for distribution on September 15, 2013 at the Justice Academy bookstore.

C. Planning and Standards Committee - Chairperson Stephanie Freeman

Chairperson Stephanie Freeman reported that the Planning and Standards Committee met on Thursday, August 22, 2013 and approved the minutes of the May meeting.

Chairperson Freeman stated that the Committee reviewed Form F-3 and made numerous revisions to the form to update questions and bring consistency between the forms used by the two Commissions. The Planning and Standards Committee will be mailing 2 copies of this form to each Commission member with the changes/additions to these forms. The changes made to the form are: (1) consistent with the F-3 used by Sheriffs Standards, (2) contains additional wording and questions to clarify the intent of the form and to assist the CJ Standards Investigative staff in performing investigations, (3) ensure that the Commission is in compliance with the Americans with Disabilities Act when asking about drug and alcohol use, and, (4) ensure that language has been added to clarify that the Commission can receive information on charges that have been expunged pursuant to the North Carolina General Statute.

Lastly, Chairperson Freeman reported that the Committee reviewed Goal #2 of the System Plan (Recruitment and Retention) and the 2009 white paper. It was a consensus of the Committee that they needed to revisit this study and expand the focus to include not only agencies, but to survey individual officers, in a two-pronged approach that examines not only law enforcement officer recruitment and retention issues, but also correctional officers. She stated that a preliminary plan for study design will be presented to the Planning and Standards Committee at the November meeting.

D. Probable Cause Committee - Chairman Ray Davis

Chairman Davis reported that the Probable Cause Committee met on Wednesday, August 21^{st} and again on Thursday, August 22^{nd} .

He reported that the Committee reviewed a total of thirty-two (32) cases. Probable cause was found in four (4) cases and no probable cause in eighteen (18) cases. Three cases were continued for additional investigation. He related that the Committee found probable cause in five cases in which the Committee offered a lesser sanction of an "Official Written Reprimand."

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/071; seconded by Commissioner Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/075; seconded by Commissioner Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/081; seconded by Commissioner Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/082; seconded by Commissioner Jones. The MOTION carried unanimously.

MOTION was made by Commissioner Davis that the Commission accept a lesser sanction of agreement for Memorandum Number 13/091; seconded by Commissioner Jones. The MOTION carried unanimously.

Chairman Davis concluded his report by stating that there were no officers to report on the list of individuals certified having committed a criminal offense.

V. OTHER BUSINESS

None

VII. OLD BUSINESS

A. Old Business

None

B. Legal Counsel Report

Ms. Cathy Jordan distributed a document entitled "Pending Administrative Cases" for the membership's review:

1. Jay Eduard Krueger

Petition for Judicial Review filed January 6, 2011 (Wake County); Official Record/Response filed February 7, 2011; Addition of Counsel JA/CJ March 25, 2011; To Be Heard Week of July 2; Draft Order sent to Superior Court Judge July 13th; Order entered July 18th; Received by Petitioner November 24th and November 26; Notice of Appeal Filed December 19th; PROA served January 22nd; 30 days: February 21st. Krueger brief filed April 11th; Brief due June 12, 2013. Brief due June 12, 2013; State brief filed June 12th; Petitioner Reply Brief Filed July 26th; no oral argument; case heard August 29th.

July 26th; no oral argument; case heard August 29th. Petition for Judicial Review filed August 17, 2012 (Guilford County); served on legal counsel August 20th; Response Due September 19th; Motion to Dismiss filed September 17th, Official Record filed September 14th; Amended Petition for Judicial Review filed September 14th; Motion for Summary Judgment/Alternative Response filed October 15th; Scheduled for June 3, 2013, Courtroom 3G - 10:00 a.m.; Motion to Dispense filed

February 19, 2013; Mediation dispensed.

Petition for Judicial Review filed June 21, 2012 (Wake County); served on legal counsel June 25th; Response due July 25th; Response/Official Record filed July 19th; Memo filed January 31, 2013.

Hearing Continued.

FAD letter sent January 8th; 35 days: RTS; sent to Sheriff for service on February 1st; 35 days: March 11th; Petition for Judicial Review filed February 11, 2013. (Edgecombe County); Response/Official Record filed April 5th; Set for hearing the week of October 28, 2013. Petition for Judicial Review filed February 18, 2013 (Cumberland County) Response/Official Record filed;

Admin. Appeal hearing September 30th.

FAD entered May 23, 2013; 35 days; FAD resent via certified mail July 17th; FAD sent to Sheriff on July 18th for service. Deny 3 year; Served by Sheriff on July 22^{nd..}.

Petitioner filed Petition for Judicial Review (Onslow County) on December 12, 2012; Respondent Due January 16, 2013; Motion to Dismiss/Answer filed January 14: Petitioner filed Response; Notice of Hearing for July 22nd filed June 24th; Motion to Dismiss confirmed August 1, 2013.

To Be Heard at the August 2013 Commission Meeting

Waiting on Judge to File Proposal for Decision. Hearing: May 20, 2013, 10:30 a.m.; Jackson. Motion to

2. Ahmed Joseph Blake

3. Bryson Lawrence Cornett

4. Derrick Wayne Knox

5. William James Becker

6. Alvin Louis Daniels

7. Rodney Lyndolph Bland

8. Ralph R. Hines

9. William Franklin Dietz, Jr.

10. Kevin Lee Hullet

11. Shannon Pendergrass

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12.	Elizabeth Crooks Goode	Final Decisi Summary Ju	July 9, 2013. on Order of Dismissal Granting Motion for adgment entered December 14 th ; waiting to nded document from Judge.
13.	Bilal Abdus-Salaam	Draft Prop	osal for Decision sent to Judge July 1 st ; ithdraw for attorney granted August 1 st .
14.	Timothy Lee Griffin		ugust 27, 2013, Raleigh
15.	Forrest Travis Coston	•	ontinued; rescheduled for October 16-17th
16.	Lee Daniel Wilkerson	Draft Propos	sal for Decision sent to Judge July 2 nd .
17.	Timothy Allen Bruton	To Be Heard	at the August 2013 Commission meeting.
18.	Ron Allen Hedrington	Draft Propos	sal for Decision sent to Judge July 15 ^{th.}
19.	Scott Douglas Neudecker	Draft Propos	sal for Decision sent to Judge July 17, 2013.
20.	Donald Edward Kennedy	Proposal for	osal for Decision sent to Judge July 16 th ; Decision received August 8, 2013; Deny for not less than five years.
21.	Juan David Williams	Hearing: Co	ntinued.
22.	Jonathan Christopher Campbo	filed July 8	ontinue filed June 19 th ; Motion to Compel, 2013; Interrogatories sent June 18 th ; 15 th ; Hearing: July 23, 2013, Raleigh.
23.	LaMarcus Jarrel Outing	June 6 th ; M Second Ord July 25 th ; i Hearing: Wo	filed PHS May 23 rd ; Petitioner PHS due otion to Dismiss (no PHS) filed July 9 th ; er for PHS filed; Petitioner to respond by interrogatories: Discovery due July 22 nd ; eek of August 5 th in Charlotte; Request for
24.	Patricia Mary Cotto	Respondent 24 th ; Interrog	MTD July 24th. filed PHS Jun 19 th ; Petitioner PHS due June gatories Discovery Due August 5 th ; Hearing: in Goldsboro.
25.	Marshall Letitus Wiley	File Opened 30 th .	July 25, 2013; Respondent PHS filed July

C. Final Agency Decisions

Dominic Orlando Chavis

Trina Liverman Basnight

Michael Keith Fox

26.

27.

28.

Vice-Chairman Caldwell noted that Mr. John Congleton, an Assistant Attorney General, would serve as the Commission's Legal Counsel for the Final Agency Decision.

File Opened July 30, 2013.

File Opened July 30, 2013. File Opened July 30, 2013

Vice-Chairman Caldwell read the Recusal Statement to the Commission members and reminded everyone that both the Petitioner and the Respondent would be limited to 30 minutes of oral argument.

Vice-Chairman Caldwell introduced Hal Askins, Special Deputy Attorney General Law Enforcement Liaison Section. Vice-Chairman Caldwell welcomed Mr. Askins and advised that he would be working with Lauren Earnhardt and Cathy Jordan of the Law Enforcement Liaison Section.

Vice-Chairman Caldwell asked that the Commission review the Commission dates for next year.

MOTION was made by Commissioner Bill Hollingsed that the Commission approve the dates for 2014 Commission meetings; seconded by Commissioner Wrenn Johnson. The MOTION carried unanimously.

1. Timothy Allen Bruton

Ms. Lauren Earnhardt presented the case of Timothy Allen Bruton. Ms. Earnhardt stated that Mr. Bruton has been a certified correctional Officer since 2006. Mr. Bruton was charged in Hoke County with solicitation of prostitution in violation of NCGS 14-204(5) in 2009. Ms. Earnhardt stated in 2011 a Hoke County Assistant District Attorney served Mr. Bruton with an additional charge of solicitation of prostitution and a charge of entering or remaining in a place for prostitution by a misdemeanor statement of charges. The State dismissed one count of solicitation of prostitution but proceeded on the other charges of solicitation of prostitution and entering or remaining in a place for prostitution. The Petitioner pled not guilty to all charges and was represented by a retained attorney. Ms. Earnhardt stated that the Petitioner testified at the hearing that he and his wife were at this residence and they were attending a "swingers' party". They each paid forty dollars to attend. The Petitioner and his wife had sex in a bedroom and were enjoying the party when a shooting occurred. The police arrived and investigated the scene and charged many attendants of the party with Prostitution and Solicitation of Prostitution.

Mr. Bruton was present and stated that he is a correctional officer and this was his career for almost 20 years. Mr. Bruton stated that the place that they went to, they thought was legal. He said when the shooting occurred; he was the one that made the call to police. He admitted that he was convicted of this charge. He asked the Commission to place him on probation so he could keep his certification.

MOTION was made by Commissioner Bazemore that the Commission go into Closed Session; seconded by Commissioner Norville. The MOTION carried unanimously.

MOTION was made by Commissioner Jones that the Commission return to Open Session; seconded by Commissioner Charles Johnson. The MOTION carried unanimously.

MOTION was made by Commissioner Steve Johnson that the Commission adopt the Proposed Final Agency Decision that Timothy Allen Bruton's correctional officer certification be suspended for a period of not less than three years based upon Petitioner's conviction of entering or remaining in a place for prostitution, a misdemeanor as defined in 12 NCAC 09G .0102. This period of suspension is suspended for three years on condition that Petitioner not violate any law (other than infractions and minor traffic offenses) of this state or any other state, any federal laws, any ordinances, any rules of this Commission, Company and Campus Police Program or the North Carolina Sheriffs' Education and Training Standards Commission. This period begins on the date this ORDER is signed; seconded by Commissioner Bob Ruth. The MOTION carried unanimously. See Attachment I for the Commission's Final Agency Decision and Attachment II for the roll call vote.

2. William Franklin Dietz

Ms. Lauren Earnhardt stated that William Franklin Dietz was awarded certification on June 22, 2010, as a full-time law enforcement officer with the Pinnacle Special Police. He separated from this position on November 17, 2010. In 2011, he asked for an appointment again with Pinnacle Special Police. Mr. Dietz did not list that he was fired from Burns Security for being late to work. During a polygraph, he admitted to being fired from Brunswick Plumbing in 2003 for scratching a tub. Mr. Dietz admitted that he was fired from Mike Hoffman's plumbing. Ms. Earnhardt stated that the Petitioner did not list any of these three firings on the Brunswick Community College BLET Personal History Statement. She stated that the second material misrepresentation occurred on May 20, 2010, when Petitioner submitted Personal History Statement at Pinnacle Special Police. Mr. Dietz answered Question #26 as, "Burns Security Tardy Police Violation". The third material misrepresentation occurred when Petitioner listed that he had been employed by Mike Hoffman in May 2003. Petitioner did not provide a date he left this employment and for the reason Petitioner left Mike Hoffman's employment, he wrote, AKAL, which is his next employer listed. The fourth material misrepresentation occurred on January 21, 2009, when Petitioner submitted the Personal History Statement to Brunswick County Community College. Mr. Dietz listed being employed by Dave Melton, but left the dates of employment blank. He claimed that he ran out of work as his reason for leaving. Ms. Earnhardt stated that the Petitioner had a fifth and sixth material misrepresentations when the Petitioner listed that he had been employed by Mike Hoffman from April 2003 to December 2003, leaving that employment for AKAL, which is his next employer listed. Petitioner also listed being employed by Dave Melton, but left the dates of employment blank. Petitioner claimed he ran out of work as his reason for leaving. Ms. Earnhardt stated that on Question #46 asks, "Have you ever used prescription drugs other than under the supervision of, or as prescribed by a physician? He answered No. Evidence at the hearing showed that the Petitioner admitted that he had taken one of his wife's morphine lollipops for a bad headache in 2002. Question #47 asks, "Have you ever been arrested by a law enforcement officer with a criminal offense? Petitioner listed charges of "Domestic Violence", "Possession of Weapon of Mass Destruction" and "Destruction of Private Property." The Petitioner failed to disclose the charges of "Motorboat without Lifesaving Decision" and "Carrying a Concealed Weapon". The Petitioner claimed his failure to list these two charges was an oversight.

MOTION was made by Commissioner Pendergraft that the Commission adopt the Proposed Final Agency Decision to deny Petitioner's law enforcement officer certification for a period of not less than five years based upon Petitioner's multiple material misrepresentation of information required for certification. It is further ORDERED that Respondent deny Petitioner's law enforcement officer certification indefinitely based on his commission of two felony offenses to wit; "Possession of a Weapon of Mass Destruction" in violation of NCGS 14-288.8 and "Malicious use of Explosive or Incendiary" in violation of N.C.G.S. 14-49. This period of denial begins on the date this ORDER is signed; seconded by Commissioner Lee Farnsworth. The MOTION carried unanimously. See Attachment III for the Commission's Final Agency Decision and Attachment IV for the roll call vote.

IX. DATE OF NEXT MEETING

Vice-Chairman Caldwell advised that the next Commission meeting is scheduled for November 21-22, 2013 at the Wake Technical Community College, Public Safety Education Campus.

X. MOTION TO ADJOURN

MOTION was made by Commissioner Bob Ruth that the Commission adjourn; seconded by Commissioner Steve Johnson. The MOTION carried unanimously.